UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

MICHAEL RAMOS, Case No. 16-cv-664

Plaintiff,

vs.

VIRTUOSO SOURCING GROUP, LLC,

Defendant.

COMPLAINT

NOW COMES, Plaintiff Michael Ramos, by and through his attorneys, DeLadurantey Law Office, LLC, and complains of Defendant Virtuoso Sourcing Group, LLC and alleges to the best of his knowledge, information and belief formed after an inquiry reasonable under the circumstances, the following:

INTRODUCTION

Nature of the Action

1. This lawsuit arises from incorrect credit reporting and collection attempts of the Defendant.

2. Causes of Action herein are brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 and the Wisconsin Consumer Act ("WCA"), Wis. Stat. § 421 *et seq*.

Jurisdiction and Venue

3. Jurisdiction of this Court arises under 28 U.S.C. § 1331, because the case arises under the laws of the United States. This Court also has jurisdiction pursuant to 15 U.S.C. § 1692k(d), as it is an action to enforce liability created by the FDCPA within one year from the date on which the violation occurred.

4. This Court has supplemental jurisdiction over the claims arising under the WCA under 28 U.S.C. § 1367, because the WCA claims are related to the FDCPA claims as they arise under the same set of facts. Thus they are part of the same case or controversy under Article III of the United States Constitution.

5. Venue in this Court is appropriate pursuant to 28 U.S.C. § 1391(b)(1), because this is where the Defendants reside. Under 28 U.S.C. § 1391(c), a defendant corporation shall be deemed to reside in any judicial district in which it is subject to personal jurisdiction.

Parties

6. Plaintiff Micahel Ramos (hereinafter "Mr. Ramos") is a natural person who resides in the County of Racine, State of Wisconsin.

7. Defendant Virtuoso Sourcing Group, LLC ("Defendant Virtuoso") is a foreign business with a principal office of 4500 Cherry Creek Drive South, Suite 500, Glendale, CO 80246 and a registered agent of Irvin A. Borenstein, 13111 E. Briarwood Ave., #340, Centennial, CO 80112.

8. Defendant Credit Control is a "debt collector" pursuant to 15 U.S.C. § 1692a(6).

9. Defendant Credit Control is a "debt collector" pursuant to Wis. Stat. §427.103(3).

Factual Allegations

10. Mr. Ramos filed for relief under Chapter 13 of the Bankruptcy Code.

11. Upon confirmation of his Chapter 13 plan, he began making monthly payments to the trustee.

12. Included in his Chapter 13 plan was a medical bill(s) owed to Defendant Virtuoso.

13. Defendant Virtuoso received notice of the bankruptcy.

14. Mr. Ramos has applied for a new job and has gone through several phases of interviews. During a final background check, his potential future employer obtained his employment credit report from Trans Union on May 27, 2016.

15. Included was a tradeline for Defendant Virtuoso, attempting to collect on $166.

16. The tradeline does not mention that the account was included in Chapter 13 Bankruptcy, like other accounts on his report.

17. This gives the impression that Mr. Ramos is not paying his bills, when in fact he is paying them through a Chapter 13 bankruptcy plan.

18. The presence of the account without a notation that it is bankruptcy will cause him to be disqualified for this job unless the incorrect information is cleared until up by June 7, 2016.

Count 1 – Violations of the Fair Debt Collection Practices Act, (15 U.S.C. §1692)

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. Mr. Ramos is a consumer as defined by 15 U.S.C. §1692a(3).

21. The foregoing acts of the Defendant and its agents constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. §§ 1692d, 1692e, 1692e(2), 1692e(5), 1692e(8), 1692e(10), 1692f, and 1692f(1), with respect to the Plaintiff.

22. Specifically, under 15 U.S.C. § 1692e, a debt collector cannot "use false, deceptive, or misleading representations or means in connection with the collection of any debt," which the Defendant did by not reporting the pendency of the bankruptcy, giving the impression that Mr. Ramos is not paying his bills, when in fact he is paying them through a Chapter 13 bankruptcy plan.

23. Specifically, under 15 U.S.C. § 1692e(2), a debt collector cannot make a false representation about the amount of debt owed, which they did when they tried to collect on a debt during the pendency of the bankruptcy without mentioning the bankruptcy.

24. Under 15 U.S.C. § 1692e(8), a debt collector cannot communicate false credit information, which they did when they tried to collect on an account by placing the information on his credit report during the pendency of the bankruptcy without mentioning the bankruptcy.

25. Under 15 U.S.C. § 1692e(10), a debt collector cannot use false representation or deceptive means to collect, which they did by placing the information on his credit report during the pendency of the bankruptcy without mentioning the bankruptcy.

26. Plaintiff has suffered actual damages as a result of these illegal collection communications in the form of anger, anxiety, emotional distress, humiliation, frustration, amongst other negative emotions.

27. Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to $1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

Count 2 – Violations of the Wisconsin Consumer Act, (Wis. Stat. § 427.104(c))

28. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

29. Under Wis. Stat. § 427.104(h), a debt collector cannot "[e]ngage in… conduct which can reasonably be expected to… harass the customer."

30. By placing the information on his credit report during the pendency of the bankruptcy without mentioning the bankruptcy, Defendant's actions can reasonably be expected to harass Mr. Ramos.

31. Under Wis. Stat. § 427.104(c), a debt collector cannot publish false credit information, which it did by placing the information on his credit report during the pendency of the bankruptcy without mentioning the bankruptcy. Defendant Virtuoso received notice of the bankruptcy, and they should have updated the credit information with this information.

32. Plaintiff has suffered actual damages as a result of these illegal collection communications in the form of anger, anxiety, emotional distress, humiliation, frustration, amongst other negative emotions.

33. Plaintiff is entitled to actual, statutory, and punitive damages pursuant to Wis. Stat. § 427 and, reasonable attorney's fees and costs pursuant to Wis. Stat. § 435.308.

Trial by Jury

34. Mr. Ramos is entitled to, and hereby respectfully demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Mr. Ramos pray that judgment be entered against Defendants for:

A. Actual damages in an amount to be determined at trial pursuant to 15 U.S.C. § 1692k(a)(1);

B. Statutory damages of $1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

C. Costs and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3);
D. Actual, statutory, and punitive damages pursuant to Wis. Stat. §427 *et al.*;
E. Costs and reasonable attorneys' fees pursuant to Wis. Stat. §425.308; and
F. Other and further relief as may be just and proper.

Dated this 6th day of June, 2016.

s/ Heidi N. Miller

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VERIFICATION OF COMPLAINT AND CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I, Michael Ramos, declare under penalty of perjury the following:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Michael Ramos